

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, practices, and conduct of Qwest Communications Corporation (Qwest), U-5335-C and its wholly owned subsidiary, LCI International Telecommunications Corporation, doing business as Qwest Communications Services (LCIT), U-5270-C to determine whether Qwest and LCIT have violated the laws, rules and regulations governing the manner in which California consumers are switched from one long distance carrier to another and billed for long distance telephone services.

Investigation 00-11-052
(Filed November 21, 2000)

ASSIGNED COMMISSIONER'S RULING

By today's ruling, I provide notice to all parties of a letter sent to me by Greenlining Institute and Latino Issues Forum (G/LIF); this letter was copied to other Commissioners but not (apparently) served on the other parties. I also allow the other parties to comment on the letter.

Background

This investigation is an adjudicatory proceeding; in proceedings of this type, ex parte communications are prohibited by statute (see Pub. Util. Code Sec. 1701.2(b)) and Commission order (see Rule 7(b)).

On March 19, G/LIF served and filed in this investigation an “Emergency Motion Requesting an Immediate Bond Hearing.” The next day, G/LIF sent the letter that I attach to this ruling. On its face, this letter was sent to all Commissioners and to the Commission’s Public Advisor; no mention is made of service on the parties to the investigation. The letter asks whether, in light of the motion, I have changed the view I expressed in my letter to G/LIF on March 18 (responding to earlier letters by G/LIF) on the inappropriateness of holding “either an all-party meeting or a hearing relating to the Qwest matter.” The letter also asks me to “consult with the other Commissioners” regarding “the position of the Commission” and to “advise [G/LIF] as of the end of tomorrow”, i.e., March 21. Representatives of G/LIF have also made phone calls to my office, to which I have not responded.

Under Rule 45(f), responses to written motions are normally due 15 days after the motion was served. Thus, responses to G/LIF’s March 19 motion are due to be filed and served no later than April 3.

Discussion

On its face, the G/LIF letter is advocacy. The letter urges that I change my previously-announced position on an issue that is the subject of a pending motion. The letter asks me to divulge to G/LIF the outcome of my deliberations on that issue, and it suggests when and how I deliberate with my colleagues. At the very least, such a letter should have been served on all parties concurrent with its delivery to Commissioners.

Accordingly, I attach a copy of the letter to this ruling. Parties may comment on the letter; such comment shall be included in their responses to G/LIF’s March 19 motion. These responses shall be filed and served no later than April 3, 2002, as provided in Rule 45(f).

I remind all parties that an absolute ban on ex parte communications applies in this proceeding until the proceeding is finally resolved.

Dated March 25, 2002, at San Francisco, California.

/s/ CARL W. WOOD

Carl W. Wood
Assigned Commissioner

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Assigned Commissioner's Ruling Setting Aside Submission on all parties of record in this proceeding or their attorneys of record.

Dated March 25, 2002, at San Francisco, California.

/s/ SUSIE TOY

Susie Toy

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.